

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSHUA JAMES ALIREZ,

Plaintiff,

v.

No. 22-cv-0428 JCH-KRS

JUSTIN GARWOOD, *et al*,

Defendants.

ORDER GRANTING *IN FORMA PAUPERIS* APPLICATION

This matter is before the Court on Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2). Plaintiff's financial information reflects he is unable to prepay the \$402 filing fee for his prisoner civil rights complaint. The Court will therefore grant the Motion, which reduces the fee to \$350, and allow Plaintiff to pay in installments. *See* 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of ...[his] average monthly deposits ... or (B) the average monthly balance" for the six-month period immediately preceding this action. *Id.*

Plaintiff submitted an account statement reflecting transactions for the 1.5 month period between April 21, 2022 and June 2, 2022. (Doc. 2 at 3). Plaintiff is a pretrial detainee; the Court presumes he has not been in custody for the entire six-month period. The Statement Summary reflects that during the 1.5 month period, Plaintiff received a total of \$610 (*i.e.*, \$406.67 per month). *Id.* The transaction history Plaintiff submitted reflects his average deposits exceed his average balance. *Id.* at 3-4. Accordingly, the Court will assess an initial payment of \$81.33 (which is 20% of the average deposits, \$406.67) pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, Plaintiff is "required to make monthly payments of 20 percent of the

preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The Court will generally not address the merits of Plaintiff's claims unless the initial partial payment is paid or excused. If Plaintiff fails to timely make the initial partial payment, his complaint may be dismissed without further notice.

IT IS ORDERED that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (**Doc. 2**) is **GRANTED**;

IT IS FURTHER ORDERED that, within thirty (30) days from entry of this order, Plaintiff shall send to the Clerk an initial partial payment of **\$81.33**;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.



UNITED STATES MAGISTRATE JUDGE